

# **EXHIBIT 9**



Hilary A Ramsey /JonesDay

Extension 43829

02/12/2008 02:47 PM

To "Draycott, Justin (CIV)" <Justin.Draycott@usdoj.gov>

cc

bcc

Subject Burney & Chang

Justin,

We disagree with your position and believe that you are obligated to provide dates for the depositions of Mr. Burney and Ms. Chang. Abbott renewed its request for these depositions on January 30, 2008. Abbott expects you to provide suggested dates for the depositions of these individuals in accordance with CMO 29. If Abbott does not receive suggested dates for these depositions by COB Friday, February 15th, Abbott will have no choice but to select dates and issue the notices and subpoenas.

Thanks,  
Hilary

"Draycott, Justin (CIV)" <Justin.Draycott@usdoj.gov>



"Draycott, Justin (CIV)"

<Justin.Draycott@usdoj.gov>

02/12/2008 12:49 PM

To "Hilary A Ramsey" <haramsey@JonesDay.com>

cc

Subject RE: Production Problem for AWQ026 Range

Hilary, in light of Judge Bowler's ruling on Abbott's motion to compel the Burney documents and responses to RFPs 37 and 38, we question whether the depositions of Mr. Burney and Ms. Chang would be appropriate. The subject matter to be covered would be both irrelevant and privileged. In short, it would be helpful for Abbott to explain why these depositions should go forward in light of rulings to date in this case. Regards, Justin

**From:** Hilary A Ramsey [mailto:haramsey@JonesDay.com]

**Sent:** Monday, February 11, 2008 10:51 AM

**To:** Draycott, Justin (CIV)

**Subject:** RE: Production Problem for AWQ026 Range

Thanks, Justin. Also, where are we on Burney and Cheng dates?

"Draycott, Justin (CIV)" <Justin.Draycott@usdoj.gov>

02/11/2008 10:49 AM

To "Hilary A Ramsey" <haramsey@JonesDay.com>

cc

Subject RE: Production Problem for AWQ026 Range

correction, looks like we got this to you last week.

**From:** Draycott, Justin (CIV)  
**Sent:** Friday, February 08, 2008 8:54 AM  
**To:** Hilary A Ramsey  
**Subject:** RE: Production Problem for AWQ026 Range

Hilary, AWQ production hit a processing snag - we should have it to you next week.

**From:** Hilary A Ramsey [mailto:haramsey@JonesDay.com]  
**Sent:** Wednesday, January 23, 2008 5:42 PM  
**To:** Draycott, Justin (CIV)  
**Cc:** egortner@kirkland.com; MSzelag@KelleyDrye.com  
**Subject:** Production Problem for AWQ026 Range

Justin,

I write to address two issues with your production of documents from November 2, 2007. First, there appears to be a technical problem with the production of the AWQ026 range. Our tech people have told me that the image key in our IPRO system, which identifies the document number, does not match the bates number that is on the image itself (the document numbers have AWQ025 numbers, but the bates number on the images themselves all have prefixes in the AWQ900 and AWQ901 ranges). I have spoken with counsel for Dey and their production has the same issue (they don't use IPRO), but I have not checked with Roxane. Can you please speak with your tech folks and determine the best way to quickly resolve this issue (I believe it is either sending a new disc of images to go with the load files you already sent, or sending a new disc of load files to go with the images sent).

Second, your Nov. 2nd transmittal letter indicates that the AWQ026 documents are from nine different carriers (they are documents previously withheld on privilege). Can you please provide a list by bates range indicating which documents came from which carriers?

As you know, the first carrier deposition is scheduled for Feb. 8th and a second carrier deposition is scheduled for Feb. 11th. Obviously, we need to have this issue resolved in advance of these depositions. Please keep me updated regarding the status and let me know if you have any questions.

Thanks,  
Hilary

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